

CHARLES AND BARBARA BIRDSEY

April 30, 2001

**Ms. Donna Wieting, Chief
Marine Mammal Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Springs, MD 20910-3226**

Dear Ms. Wieting:

The proposed rule, 66 FR 15375, published by the National Marine Fisheries Service (NMFS) under Section 101(a)(5)(A) on March 19, 2001, certainly does not appear to be in accord with the meaning of the original document, but rather exceeds the limits as cited.

There are specific limitations placed on the taking of small numbers of marine mammals by citizens engaged in specific activities. These limitations state unequivocally that the taking must be incidental to the activities and not intentional, be within a specific region, will be small with a negligible adverse impact on stock or the availability of the species of stock for subsistence uses, and prescribed regulations setting forth the permissible methods of taking and requirements pertaining to the monitoring and reporting of such taking.

The limitations placed on these takings as set forth in the document are perfectly clear. What is not clear is the Navy's plan to abide by them in its world-wide Surveillance Towed Array Sensor System Low Frequency Active (SURTASS LFA) Sonar operations. Certainly world-wide exceeds the limitations restricting the taking to a specified area. Of equal concern is the absence of plans guaranteeing the taking will not adversely impact stock or requirement pertaining to the monitoring and reporting of such taking.

It does little to enhance the safeguarding of our environment to issue documents that only are honored in the breach of the restrictions which they impose. It is not without cause that citizens concerned with the ecology of this planet must remain constantly vigilant to activities which pose a threat, however unintentional they may be. This exception to the stipulations in the original document extended to the Navy for its SURTASS LFA operations clearly falls into

the category of an intentional assault on the environment and needs further study and assurance before it is allowed to progress further.

Unfortunately, it appears that, to date, the Navy has not properly assessed the final science report on the fatal strandings of beached whales in the Bahamas in March 2000. This stranding appears to be caused by mid-range Sonar by Naval vessels. These are contradictions in the Navy experiments as to what level of Low Frequency Active (LFAS) system is harmful to humans and whales. Further proposed research monitoring and implementation are doubtful at best due to the quick departure of Navy vessels from the test area.

Given the foregoing evaluation, there appears to be a mandate for a cessation of any SURTASS LFA operations on any level approximating a world-wide range until all the appropriate studies are made and safeguards implemented.

Sincerely,

Barbara Birdsey

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